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EXAMINER	
JACOB, MARY C	
ART UNIT	**PAPER NUMBER**
2123	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,921	LECLERC, LOUIS	
	Examiner	Art Unit	
	Mary C. Jacob	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

1)☒ Responsive to communication(s) filed on *19 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 12-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The response filed on 12/19/06 has been received and considered. Claims 1-10, 12-33 are presented for examination.

Drawings

2. The objections to the drawings are hereby withdrawn in light of the amendment to the specification, filed 12/19/06.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-7, 19, 20, 23-27, 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Binkley et al (US Patent 5,088,033).

5. As to Claims 1, 19 and 26 Binkley et al teaches: a system, comprising: a plurality of device information files that each contains emulation information about at least one device (column 8, lines 66-68; column 28, lines 35-44; column 29, lines 61-68); and an emulator that is adapted to read a selected one of the plurality of device information files and provide an on-screen display ("OSD") emulation of the at least one device corresponding to the selected one of the plurality of device information files, wherein the

emulation information of the at least one device is contained in the selected one of the plurality of device information files (column 7, lines 39-43; column 8, line 60-column 10, line 21; Figure 5, elements 82 and 84; column 29, lines 61-68).

6. As to Claims 2, 20 and 27, Binkley et al teaches: wherein the emulation information comprises information relating to a set-up procedure of the at least one device (column 28, lines 35-50; column 31, lines 1-8).

7. As to Claims 5, 23 and 29, Binkley et al teaches: wherein the at least one device comprises a computer display device (Figure 2, element 22b; column 7, lines 39-43).

8. As to Claims 6, 24, and 30, Binkley et al teaches: wherein the at least one device comprises a computer system (Figure 2, element 22).

9. As to Claims 7, 25 and 31, Binkley et al teaches: wherein the at least one device comprises a consumer electronics device (Figure 2, elements 22, 22a, 22b, 22c, 24, 26, 28).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 3, 8, 9, 21, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al as applied to claims 1, 19 and 26 above, in view of Van Ee (US Patent 6,937,972).

12. Binkley et al teaches: an emulator reading a device information file and providing an on screen display emulation of a device.

13. Binkley et al does not expressly teach: (claims 3 and 21) wherein the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the at least one device during a set-up procedure of the at least one device; (claims 8 and 32) wherein the emulator is available via a network; or (claims 9 and 33) wherein the emulator is available via a local CD-ROM drive.

14. Van Ee teaches a method of enabling the programming of a programmable remote control device that runs a software application on a computer for emulating manual programming of the device upon user input, thereby increasing the user-friendliness and ease of handling of the programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35). The method as taught by Van Ee includes: wherein the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the at least one device during a set-up procedure of the at least one device (column 5, lines 26-31; column 6, lines 8-17, 26-41); wherein the emulator is available via a network (column 6, lines 3-5); wherein the emulator is available via a local CD-ROM drive (column 6, lines 3-5).

15. Binkley et al and Van Ee are analogous art since they are both directed to the emulation of an electronic device and providing an on screen display of the emulated device.

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the emulation of a device and the providing of an on screen emulation of the device as taught by Binkley et al to further include wherein the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the at least one device during a set-up procedure of the at least one device, wherein the emulator is available via a network or wherein the emulator is available via a local CD-ROM drive as taught by Van Ee since Van Ee teaches a method of enabling the programming of a programmable remote control device that runs a software application on a computer for emulating manual programming of the device upon user input, thereby increasing the user-friendliness and ease of handling of the programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35).

17. Claims 4, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al as applied to claims 1, 19 and 26 above, in view of Burg et al (US Patent 6,456,699).

18. Binkley et al teaches: an emulator that provides an on screen emulation of at least one emulated device wherein the user interface and I/O devices are representations of the target system known to the user.

19. Binkley et al does not expressly teach wherein the emulation information and user interface comprises mouseover information about at least one option.

20. Burg et al teaches a coordinated web and interactive voice response system for customer service wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) wherein the system includes the use of mouse over text information when the user places their web cursor over a node or icon so they can receive additional descriptive information about what customer representative they will be connected to if they choose that particular node (column 11, lines 26-35).

21. Binkley et al and Burg et al are analogous art since they are both directed to the display of a user interface and interaction of a user with the interface.

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the emulation and user interface as taught by Binkley et al to include the use of mouse over information as taught by Burg et al since Burg et al teaches a coordinated web and interactive voice response system for customer service wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) and further teaches that mouse over information allows the user to receive additional descriptive information about options they are able to choose in a customer service environment (column 11, lines 26-35).

23. Claims 10, 12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al in view of Stockburger et al ("Virtual Onsite Support: Using Internet

Chat and Remote Control to Improve Customer Service", Proceedings of the 30th Annual ACM SIGUCCS Conference on User Services, Providence, Rhode Island, pages: 143 – 147, 2002).

24. Binkley et al teaches: (claim 10) identifying a device information file that comprises emulation information about a set-up procedure associated with at least one device (column 8, lines 66-68; column 28, lines 35-44; column 29, lines 61-68); (claim 10) invoking an emulator that is adapted to access the device information file and provide an emulation that is based on the emulation information and providing an on-screen display ("OSD") emulation based on the emulation information (column 7, lines 39-43; column 8, line 60-column 10, line 21; Figure 5, elements 82 and 84; column 29, lines 61-68); (claim 12) defining the emulation to be presented in a manner that approximates an output provided by the at least one device (column 7, lines 39-56); (claim 14) defining the at least one device to comprise a computer display device (Figure 2, element 22b; column 7, lines 39-43); (claim 15) defining the at least one device to comprise a computer system (Figure 2, element 22); (claim 16) defining the at least one device to comprise a consumer electronics device (Figure 2, elements 22, 22a, 22b, 22c, 24, 26, 28).

25. Binkley et al does not expressly teach: (claim 10) providing instruction to a user based on the emulation; (claim 17) accessing the emulator via a network.

26. Stockburger et al teaches the use of a remote control utility that is a useful tool for the staff of a Help Desk, enabling the staff to get problems fixed in a matter of minutes instead of hours, and allowing the customer to learn something in the process,

therefore, contributing to an improved image of the Help Desk and the IT Department of a facility (Conclusion, paragraph 1, lines 3-8). Stockburger et al teaches that the customer can share their screen, or give complete control of their screen to the help desk technician (Abstract, last paragraph, lines 6-9), which sets up an emulation of the customer's computer on the technician's computer via a network (Abstract, last paragraph, lines 5-9; page 145, paragraph 3; see figure on page 146, and description, page 145, paragraph 2) and allows the technician to provide instruction to a user based on the emulation (page 146-147, last bullet).

27. Binkley et al and Stockburger et al are analogous art since they are both directed to the emulation of an electronic device and providing an on-screen display of the emulated device.

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device emulation and on-screen display of the emulated device as taught by Binkley et al to include providing instruction to a user based on the emulation as taught by Stockburger et al since Stockburger et al teaches the use of a remote control utility that is a useful tool for the staff of a Help Desk, enabling the staff to get problems fixed in a matter of minutes instead of hours, and allowing the customer to learn something in the process, therefore, contributing to an improved image of the Help Desk and the IT Department of a facility (Conclusion, paragraph 1, lines 3-8).

29. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al as modified by Stockburger et al as applied to claim 10 above, and further in view of Berg et al.

30. Binkley et al as modified by Stockburger et al teach an emulator that provides an on screen emulation of at least one emulated device wherein the user interface and I/O devices are representations of the target system known to the user and providing instruction to a user based on the emulation.

31. Binkley et al as modified by Stockburger et al do not expressly teach the act of defining the emulation information to comprise mouseover information about at least one set-up option.

32. Burg et al teaches a coordinated web and interactive voice response system for customer service wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) wherein the system includes the use of mouse over text information when the user places their web cursor over a node or icon on a web page showing the set-up of the routing of calls through the customer service system (Figure 8 and description) so they can receive additional descriptive information about what customer representative they will be connected to if they choose that particular node in the set-up of the system (column 11, lines 26-35).

33. Binkley et al as modified by Stockburger et al and Burg et al are analogous art since they are both directed to the display of a user interface and providing instruction to a user based on the user interface.

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the providing of instructions to a user based on an emulation as taught by Binkley et al as modified by Stockburger et al to include the use of mouseover information about an option in the set up of a customer service system as taught by Berg et al since Burg et al teaches a coordinated web and interactive voice response system for customer service wherein the use of related interactive voice response menu architectures and web menu architectures makes an integrated service much easier and more cost effective (column 13, lines 16-22) and further teaches that mouse over information allows the user to receive additional descriptive information about options they are able to choose in the set up of a customer service environment (column 11, lines 26-35).

35. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley et al in view of Stockburger et al as applied to claim 10 above, and further in view of Van Ee.

36. As to Claim 18, Binkley et al in view of Stockburger et al teach an on-screen emulation of an emulated device and providing instruction of a user based on the emulation.

37. Binkley et al in view of Stockburger et al do not expressly teach accessing the emulator via a local CD-ROM drive.

38. Van Ee teaches a method of enabling the programming of a programmable remote control device that runs a software application on a computer for emulating

manual programming of the device upon user input, thereby increasing the user-friendliness and ease of handling of the programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35). The method as taught by Van Ee includes: wherein the emulator is available via a network (column 6, lines 3-5); wherein the emulator is available via a local CD-ROM drive (column 6, lines 3-5).

39. Binkley et al in view of Stockburger et al and Van Ee are analogous art since they are directed to the on-screen emulation of an emulated device.

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the on screen emulation of an emulated device as taught by Binkley et al in view of Stockburger et al to further include accessing the emulator via a local CD-ROM drive as taught by Van Ee since Van Ee teaches a method of enabling the programming of a programmable remote control device that runs a software application on a computer for emulating manual programming of the device upon user input, thereby increasing the user-friendliness and ease of handling of the programmable remote by allowing the user to quickly test configurations for the remote without needing to download the information to the real device (column 4, lines 52-63; column 5, lines 31-35).

Response to Arguments

41. Applicant's arguments filed 12/19/06 have been fully considered but they are not persuasive.

42. Applicant argues: "Binkley does not teach, suggest or illustrate a system in which a particular on-screen display (OSD) emulation is selected among a plurality of possible choices. Thus, Binkley dies not disclose a system having a plurality of on-screen display (OSD) choices to be utilized by remote employees, such as call center operators and the like, to reproduce a visual display or other feedback..." (page 12).

43. As to this argument, Claims 1, 19 and 26 are directed to, "an emulator that is adapted to read a selected one of the plurality of device information files and provide an on-screen display (OSD) emulation of the at least one device corresponding to the selected one of the plurality of device information files". The limitations refer to "*a plurality of device information files*", not "a plurality of on-screen display choices". Further, the claims do not recite, "on-screen display choices" that are "utilized by remote employees". The claims contain no recitation that the "selection" of one of the plurality of device information files is done by a "user". Binkley et al teaches the *selection* of one of the plurality of *device information files* wherein the computer system determines which I/O device has requested emulation and then calls a routine that emulates the device, thereby reading a "selected" one of a plurality of device information files for the particular I/O device (Figure 5, elements 82 and 84).

44. Applicant argues, "...the Binkley reference does not disclose or suggest a computer system having a plurality of device information files, much less a plurality of device information files with an emulator adapted to read a selected one of the plurality of device information files and provide an on-screen display emulation of at least one device corresponding to a selected one of the plurality of device information files" (page

13). Applicant further presents similar arguments with regards to claims 19 and 26 (page 13).

45. As to these arguments, Binkley teaches a computer system having a plurality of device information files (column 8, lines 66-68; column 28, lines 35-44; column 29, lines 61-68) wherein "emulation routines", "set up procedures" and "emulator handler routines" are device information files. Binkley teaches the emulator is adapted to read a selected one of the plurality of device information files wherein the computer system determines which I/O device has requested emulation and then calls a routine that emulates the device, thereby reading a "selected" one of a plurality of device information files for the particular I/O device (Figure 5, elements 82 and 84). Further, Binkley et al teaches providing an on-screen emulation of *at least one device*, wherein the emulator provides an on-screen emulation of the user interface of the target system column 7, lines 39-43; column 8, line 60-column 10, line 21).

46. As to Claims 2, 20 and 27, Applicant argues: "...Binkley's disclosure fails to teach or suggest an emulator that provides and on-screen display corresponding to a selected one of a plurality of device information files such that the emulation information comprises information relating to a set-up procedure of the device" (page 14).

47. The arguments regarding the emulator providing an on-screen display corresponding to a selected one of a plurality of device information files have been discussed above with regard to claims 1, 19 and 26. Binkley discloses emulation information comprising information relating to a set-up procedure of the at least one device (column 28, lines 35-44) wherein the emulation information comprises the set-up

procedure for each emulator handler for each I/O device being that, when invoked, prepares the system to emulate each I/O device.

48. Applicant presents arguments as to the rejections of Claim 10 that correspond to the arguments presented for claims 1, 19 and 26 (page 17). These arguments are discussed above.

49. Applicant argues that Claims 3, 4, 8, 9, 11-18, 21, 22, 28, 32 and 33 are allowable based on their dependencies from independent claims 1, 10, 19 and 26 because the secondary references do not cure the deficiencies in regard to the Binkley reference (page 17). The arguments with regard to the Binkley reference are discussed above in reference to claims 1, 19 and 26.

Conclusion

50. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary C. Jacob whose telephone number is 571-272-6249. The examiner can normally be reached on M-F 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***

Mary C. Jacob
Examiner
AU2123

MCJ
1/22/07

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TECHNOLOGY CENTER 2100

1/22/07